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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,911	03/26/2004	Orlando W. Stephenson III	SPE014 P305	9439

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EXAMINER

DUFFY, DAVID W

ART UNIT

PAPER NUMBER

3714

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DELIVERY MODE

06/28/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/810,911

Applicant(s)

STEPHENSON ET AL.

Examiner

DAVID DUFFY

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-9, 22-24 and 26 is/are allowed.
- 6) ☒ Claim(s) 10-21 and 25 is/are rejected.
- 7) ☒ Claim(s) 27 and 28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

1. This office action is in response to the amendment filed 05/05/2010 in which applicant amends claim 1 and adds claims 26-28. Claims 1-28 are pending.

Claim Objections

2. Claim 10 objected to because of the following informalities: the last line of the claim refers to "the opening" rather than "the enlarged opening in the door". Appropriate correction is required.

Allowable Subject Matter

3. Claims 1-9, 22-24 and 26 allowed.
4. Claims 27 and 28 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
6. Claims 10-14 and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cole; Joseph (US 6475087 B1) in view of Bowron; Julian (US 7374258 B2).
7. In regard to claims 10-12, 19-20 and 25, Cole discloses a gaming machine, comprising: a cabinet defining an internal space and a front side, the cabinet having an opening in the front side for providing access to the internal space; a door movably

mounted to the cabinet for movement between an open position providing access to the internal space, and a closed position wherein the door substantially closes off the opening in the cabinet, the door having an enlarged opening defining generally vertical spaced apart side edges (2:16-32 and fig 2); at least one sheet or screen mounted to the door and extending across at least a substantial portion of the opening in the door, the sheet having an outside surface, at least a portion of the sheet being see-through (figs 1 and 2). Cole further discloses that the replaceable door subassembly is advantageous in that it reduces the costs associated with modifying the games within the machine (1:40-49). Cole does not explicitly disclose a generally horizontal cross member extending across the enlarged opening and having opposite ends positioned adjacent the vertical side edges when in any one of a plurality of vertically-adjusted positions, the cross member including fasteners removably securing the cross member to the door in a selected one of the vertically-adjusted positions, such that the vertical position of the cross member can be adjusted during installation to vary the size of an upper portion of the enlarged opening above the cross member, and a lower portion of the enlarged opening below the cross member.

8. In related prior art, Bowron discloses an electronic kiosk cabinet with an internal space and door to access said space (fig 1), whereby door has an enlarged opening with a generally horizontal cross member extending across the enlarged opening and having opposite ends positioned adjacent the vertical side edges when in any one of a plurality of vertically-adjusted positions, the cross member including fasteners removably securing the cross member to the door in a selected one of the vertically-

adjusted positions, such that the vertical position of the cross member can be adjusted during installation to vary the size of an upper portion of the enlarged opening above the cross member, and a lower portion of the enlarged opening below the cross member (fig 7, 2:24-42, and 4:64-5:10, whereby the faceplates are adjustably secured to adjustable mounting cross members which are adjustable attached to the door). One of ordinary skill in the art would recognize the advantages of a housing that allows the designer to select the desired components closer to the time of assembly and allows one to readily change hardware components in the field without the need for cutting, grinding or re-machining (2:8-15).

9. Therefore it would have been obvious to one skilled in the art at the time of the invention to have modified Cole in view of Bowron to have used adjustable cross members secured to adjustable mounts in the construction of the cabinet so that hardware components may be adjusted after placement in the field without cutting, grinding, or re-machining thus furthering the goal of Cole to provide a modifiable gaming machine cabinet at low expense.

10. In regard to claims 13-14, Cole discloses the gaming machine of claim 12, wherein: at least a first portion of the sheet is substantially transparent and a second portion of the sheet has a coating reducing the transmissibility of light through the sheet (6:44-53 and fig 1).

11. In regard to claim 18, Cole discloses the gaming machine of claim 10, wherein: a video display screen is mounted to the mount (fig 5).

12. In regard to claim 21, Cole discloses the gaming machine of claim 10 but does not explicitly disclose, wherein the cross member includes ends abutting the door but that are not attached directly to the door, and further the cross member includes fasteners extending through the mount for attaching the cross member to the mount.

13. In related prior art, Bowron discloses adjustable cross members that fit closely against but are not attached to the outer surfaces of the door (figs 8). One of ordinary skill in the art would recognize the advantages of adjustable cross members that fit closely but are not attached to the surfaces of the door to facilitate easy reconfiguration without cutting, grinding or re-machining.

14. Therefore it would have been obvious to one skilled in the art at the time of the invention to have modified Cole in view of Bowron to have used close fitting adjustable cross members to facilitate reconfiguration of the cabinet without re-machining.

15. Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cole; Joseph (US 6475087 B1) in view of Bowron; Julian (US 7374258 B2) as applied to claim 4 above, and further in view of Hedrick; Joseph R. et al. (US 6135884 A).

16. In regard to claims 15-17, Cole discloses the gaming machine of claim 4 with a primary reel device (fig 2) or flat screen device (fig 5), but does not explicitly disclose wherein: a flat screen video display is mounted to the door above the cross member; and a reel device or flat screen is mounted in the cabinet below the cross member.

17. In related prior art, Hedrick discloses a gaming machine with a main display (3:25-34) and a secondary flat screen video display (4:1-4) that presents additional information such as advertisements, television programming and player attractions (3:8-

23) or progressive information (1:41-44) and is located above the primary display (figs 1-4). One of ordinary skill in the art would recognize the stated advantages of the flexibility in presenting primary and secondary information to actual and potential players such a setup provides (3:20-24).

18. Therefore it would have been obvious to one skilled in the art at the time of the invention to have modified Cole in view of Hedrick to have provided a secondary display above the primary displays of Cole to provide flexibility in the primary and secondary information provided to actual and potential customers including progressive information.

Response to Arguments

19. Applicant's arguments with respect to claims 1 and its dependents and 26-28 are persuasive.

20. Applicant's arguments filed 05/05/2010 have been fully considered but they are not persuasive with respect to claims 10 and the dependents and 25 except as noted above. Applicant argues for claim 10 that Bowron does not teach or suggest an adjustable cross member that selectively divides an opening in a door. Examiner disagrees. Figure 7 clearly shows a door opening divided by cross members. Applicant relies on reading limitations of the specification into the claims to define the subject matter of claim 10, but given the broadest reasonable interpretation Bowron clearly discloses a cross member dividing the opening in the door.

21. Applicant argues for claim 25 that Bowron does not disclose a cross member clamped against an outside of the door and secured in a selected position to vary the

size of upper and lower portions of an opening. Similar to above, examiner disagrees. Bowron clearly shows cross members dividing the opening in a door and clamped to the outside of the door (fig 7). Applicant argues the cross member of Bowron is not outside the cabinet. This is not germane as the claim limitation is outside the door. In Bowron the door has more elements attached thereto that further define the outside of the cabinet, but are attached outside of the door.

Conclusion

22. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **DAVID DUFFY** whose telephone number is (571)272-1574. The examiner can normally be reached on M-F 0830-1700.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. D./
Examiner, Art Unit 3714

/Peter D. Vo/
Supervisory Patent Examiner, Art Unit 3714